Marijuana Prohibition Facts

- Relatively few Americans had even heard about marijuana when it was first federally prohibited in 1937. Today, 52% of Americans admit to having tried it, and 42 million say they have used it in the past year.

- According to government-funded researchers, high school seniors consistently report that marijuana is easy to get, despite a decades-long drug war. From 1975-2012, 80-90% of 12th graders consistently reported that marijuana was “fairly easy” or “very easy” to obtain. For the first time since the survey began 40 years ago, high school seniors’ perception of marijuana’s availability has dipped below 80% — after states began to legalize cannabis. As of 2019, 78.4% of high school seniors perceived marijuana as “fairly easy” or “very easy” to obtain.

- Government data has shown that reforming marijuana laws, including by legalizing marijuana for adults 21 and older, has not resulted in teenagers using more marijuana.

- There have been more than 15 million marijuana arrests and citations in the United States since 1995, including an estimated 663,367 in 2018 — significantly more than for all violent crimes combined. One person is arrested or cited for marijuana every 48 seconds. More than 90% are for possession, not manufacture or distribution.

- Every comprehensive, objective government commission that has examined marijuana use and its prohibition throughout the past 100 years has recommended that adults should not be criminalized for using marijuana.

- In 2012, the last year for which data is available, federal government figures indicated there were more than 40,000 Americans in state or federal prisons on marijuana charges, not including those in county jails. That’s more than the number imprisoned on all charges combined in eight European Union countries.

- A federal survey found that 4.4% of former state prison inmates had been sexually victimized the last time they were incarcerated. Females were almost twice as likely to be victimized by other inmates than males.

- Civil forfeiture laws allow police to seize the money and property of suspected marijuana offenders — charges need not even be filed. The claim is against the property, not the defendant. The owner must then prove that the property is “innocent.” Enforcement abuses stemming from forfeiture laws abound.

- A sample estimate from the Congressional Research Service estimated that replacing marijuana prohibition with regulation and imposing a $50 per ounce tax nationwide would generate $6.8 billion in excise taxes alone. The estimate did not count new sales taxes or income taxes that would be generated by taking sales off the criminal market.
• Colorado and Washington have generated hundreds of millions of dollars in revenue by taking marijuana sales off of the illicit market and regulating it. Colorado generated $290 million in adult-use marijuana taxes in 2019,[11] while Washington collected approximately $460 million in fiscal year 2019.[12]

• Many patients and their doctors find marijuana to be a useful medicine as part of the treatment for chronic pain, the side effects of chemotherapy, AIDS-related wasting, seizures, and other ailments. Yet, the federal government allows only two patients in the United States to use marijuana as a medicine, through a program now closed to new applicants. Federal laws treat all other patients currently using medical marijuana as criminals. Doctors are presently allowed to prescribe opiates and morphine — but not marijuana.[13]

• Organizations that have endorsed medical access to marijuana include the American Public Health Association, AIDS Action Council, Leukemia & Lymphoma Society, American Academy of HIV Medicine, American Nurses Association, the Epilepsy Foundation, Lymphoma Foundation of America, National Association of People With AIDS, the state medical associations of Maryland, California, and Rhode Island, and many others.


• Since 1996, 33 states’ voters or lawmakers have approved measures to remove criminal penalties for seriously ill people who possess and safely access medical marijuana.

• A 2019 Gallup poll found 66% of Americans believe marijuana use should be legal for adults.[14] Several other polls, including Pew Research, have also found 60% or greater support. Support for legal access to medical marijuana has been consistently strong (e.g., 91% support according to a Pew poll in April 2019).[15]

• Eleven states have made marijuana legal for adults 21 and older — Alaska, California, Colorado, Illinois, Maine, Massachusetts, Michigan Nevada, Oregon, Washington, and Vermont. In all of those cases except Vermont, the states have replaced prohibition with taxed and regulated systems. In Vermont and Washington, D.C. adults may possess and cultivate marijuana, but the jurisdictions do not yet allow, tax, or regulate adult-use marijuana sales.

• In Colorado, the first state where retail sales began for adults’ use, taking marijuana off the criminal market and regulating it has created many thousands of jobs. More than 40,000 employee licensees are active for jobs directly in Colorado’s cannabis industry, along with 1,686 business owner licensees.[16]

• In addition to the 11 states where marijuana is legal for adults, 16 states have removed the possibility of jail time for possession of modest amounts of marijuana for personal use under most circumstances. Fines may be issued (somewhat similarly to traffic tickets), but there is typically no arrest, incarceration, or criminal record.[17]

• Decriminalization saves a tremendous amount in enforcement costs. California saved an
estimated $857 million in 2006 alone.\[18\]

- In 2001, a National Research Council study sponsored by the U.S. government found “little apparent relationship between the severity of sanctions prescribed for drug use and prevalence or frequency of use, and ... perceived legal risk explains very little in the variance of individual drug use.” The primary evidence cited came from comparisons between states that have and have not decriminalized marijuana.\[19\]

- “Zero tolerance” and “per se” policies against “drugged driving” can result in “DUI” convictions of drivers who are not intoxicated at all. Trace amounts of THC metabolites detected by commonly used tests can linger in blood and urine for weeks after any psychoactive effects have worn off. This is equivalent to convicting someone of “drunk driving” days or weeks after he or she drank one beer.\[20\]

- The arbitrary criminalization of tens of millions of Americans who consume marijuana results in a large-scale lack of respect for the law and the entire criminal justice system.

- Marijuana laws have been enforced unequally: A review of the data by the ACLU found that African Americans are 3.73 times as likely as whites to be arrested for marijuana possession, despite similar marijuana use rates.\[21\]

- Marijuana prohibition subjects users to added health hazards:
  - Adulterants, contaminants, and impurities: Marijuana purchased through criminal markets is not subject to the same quality control standards as are legal consumer goods. Illicit marijuana may be adulterated with much more damaging substances; contaminated with pesticides, herbicides, or fertilizers; and/or infected with molds, fungi, or bacteria.
  - Inhalation of hot smoke: One well-established risk of marijuana consumption is the fact that smoke is bad for the respiratory system. Laws that prohibit the sale or possession of paraphernalia reduce the use of vaporizers, which are proven to reduce these risks.\[22\]

- Because vigorous enforcement of marijuana laws forces the toughest, most dangerous criminals to take over marijuana trafficking, prohibition links marijuana sales to violence. According to the Congressional Research Service, more than 80,000 people lost their lives between 2006 and 2015 in Mexican drug cartel-related violence.\[23\]

- Since states began legalizing marijuana, cartels’ marijuana business has plummeted. Seizures at U.S. ports of entry have dropped from 2.4 million pounds of marijuana in 2013 to 861,231 pounds in 2018.\[24\]

- There is no government tracking of the number of lives lost related to cannabis prohibition, but individuals have died while being incarcerated on possession charges, cannabis sellers have been killed during armed robberies, and young adults found with cannabis have been killed after being coerced into becoming police informants.\[25\]

- The underground, unregulated marijuana market leaves cannabis workers vulnerable to wage theft, sexual exploitation, and other predatory behavior.\[26\] It also leaves them at risk of felony charges and deprives them of access to standard labor protections.
• Prohibition invites corruption within the criminal justice system by giving officials easy, tempting opportunities to accept bribes, steal and sell marijuana, and plant evidence on innocent people.

• Because marijuana is typically used in private, trampling the Bill of Rights is a routine part of marijuana law enforcement — e.g., use of drug dogs, urine tests, phone taps, government informants, curbside garbage searches, military helicopters, and infrared heat detectors.

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[5] Federal Bureau of Investigation, Uniform Crime Reports, *Crime in the United States* annually. (Note: The UCR’s definition of “arrests” includes citations and summons. Some, but not all, states report citations for civil offenses as “arrests.” Inadequate recordkeeping makes it impossible to determine how many are arrests.)


Monthly sales tax data: https://dor.wa.gov/about/statistics-reports/recreational-and-medical-marijuana-taxes


MED Resources and Statistics, April 1, 2020: https://www.colorado.gov/pacific/enforcement/med-resources-and-statistics

The states are Connecticut, Delaware, Hawaii, Maryland, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Rhode Island, and Virginia.


June S. Beittel, Mexico: Organized Crime and Drug Trafficking Organizations (CRS Report No. R41576)


September 13, 2018; December 21, 2016; Jack Bouboushian, “Did Detroit Area Cops Send Transgender Teen to her Death?,” Alternet, February 20 2013.